

February 20, 2003  
Federal Aviation Administration  
Office of Chief Counsel  
ATTN: Rules Docket (AGC-10)  
800 Independence Avenue, S.W.  
Washington, D.C. 20591

RE: Petition for Exemption to 14 CFR 135

Dear Sir;

In accordance with 14 CFR 11.25, Tex Star Air Freight hereby petitions the Federal Aviation Administration for an exemption to 14 CFR 135.143 (c)(2). Part 135.143 (c)(2) requires that after January 1, 1992 any transponder not meeting the requirements of TSO-C112 (Mode S) may not be newly installed on any aircraft operating under the provisions of Part 135.

Due to difficulties in manufacturing Mode S transponders, the FAA amended the installation and manufacturing cutoff dates to July 1, 1992, and January 1, 1991, respectively (Amendment No. 91-210;54 FR 25681, June 16, 1989). On January 4, 1991, the FAA removed the manufacturing cutoff date associated with the Mode S transponder requirement in response to inventory shortfalls reported by transponder manufacturers (amendment No. 91-221;56 FR 467. The installation cutoff date for operations conducted under FAR Part 135 was not removed. However, on May 29, 1992, the FAA did rescind the Mode S installation requirements for operations conducted under FAR Part 91.

This petition is in the best interest of the public from both a safety and an economic perspective. An integral part of the Mode S rule is the ground sensor. These sensors, when combined with Mode S transponders, better enable Air Traffic Control to track aircraft position thereby reducing the likelihood of a mid-air collision. However, the ground sensors will not be available until late 1995, or early 1996. Without the ground sensors, Mode S transponders provide no more benefits than advanced solid state Mode A transponders. Thus, there would not be an unacceptable reduction in aviation safety as a result of the proposed exemption.

The proposed rule would generate benefits in the form of cost relief not only to us as a Part 135 operator, who would be required to install Mode S transponders, but also our customers, the flying public. The average price of a Mode S transponder is \$3,500 compared to \$1,500 for a Mode C transponder. This additional expense would, of course, be passed on to the flying public.

Tex Star Air Freight, further requests that this petition not be delayed by publication in the Federal Register. To delay this petition for publication in the Federal Register would place significant economic hardship on us as a 135 operator.

In view of the fact that safety would not be impacted, but economic aircraft operations will, Tex Star Air Freight encourages you to expeditiously grant this petition for exemption. We have included an attached list of aircraft that we wish to operate with any TSO-C74b or TSO-C74c transponder. If you have any additional comments or questions concerning this petition, you may contact me at 940-566-3016.

Sincerely,

John A. Steen  
Director of Maintenance

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